

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. The Applicant thanks the Examiner for carefully considering this application and for indicating that the drawings filed on November 14, 2003 are accepted. As an initial matter, Applicant notes that the Office Action dated June 11, 2007 is indicated as responsive to the communication filed on November 14, 2003. *See* Office Action dated June 11, 2007 at page 1. However, the Office Action dated June 11, 2007 is in fact responsive to the Amendment filed on March 19, 2007.

Disposition of Claims

Claims 1-20 were pending in this application. Claims 5, 6, 8, 15, and 19 are canceled by this reply without prejudice or disclaimer. With respect to the pending claims, claims 1, 10, 13, and 18 are independent. The remaining claims depend, directly or indirectly, from claims 1, 10, 13, and 18.

Claim Amendments

Claims 1, 2, 6, 7, 13, 16, 18, and 20 are amended in this reply. Claims 1, 13, and 18 are amended to include at least the limitations of canceled claims 8, 15, and 19, respectively. Support for the above amendments can be found, for example, in the originally filed claims and in paragraphs [0030]-[0032] of the Instant Specification. Claim 2 is amended to correct

a typographical error. Claims 7, 16, and 20 are amended to address antecedent basis issues. No new matter has been added by way of these amendments.

Rejection(s) under 35 U.S.C. § 102

Claims 1-4, 9, 13, 14, 17, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,768,592 (hereinafter referred to as “Chang”). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Further, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP § 2131.

Independent claim 1 as amended, recites, in part, “wherein the enabled probe identification is associated with metadata...” Independent claims 13 and 18 are amended to include similar limitations. The Examiner admits that Chang fails to disclose these added limitations of independent claims 1, 13, and 18. See Office Action dated June 11, 2007 at page 6.

Thus, this rejection is now moot with respect to claims 1, 13, and 18. Claims 2-4, 14, and 17 depend, either directly or indirectly, from claims 1 and 13 and are allowable for at

least the same reasons. Accordingly withdrawal of this rejection with respect to claims 1-4, 9, 13, 14, 17, and 18 is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claims 5-8, 10-12, 15-16, and 19-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Chang in view of U.S. Patent No. 6, 362,779 (hereinafter “Meek”). Claims 5, 6, 8, 15, and 19 are canceled by this reply. Thus, the rejection is now moot with respect to claim 5, 6, 8, 15, and 19. However, the subject matter of the canceled claims is incorporated into the independent claims 1, 13, and 18. To the extent that this rejection applies to the amended independent claims 1, 13, and 18, the rejection is traversed.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), “the prior art reference (or references when combined) must teach or suggest *all the claim limitations*.” MPEP § 2143.03. “All words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP § 2143.03. Furthermore, “it is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” *In Re Hedges*, 783 F.2d 1038, 1041 (Fed. Cir. 1986).

As discussed above, Chang does not teach or suggest all the claim limitations of amended independent claims 1, 13, and 18. Further, the Applicant asserts that Meek does not teach what Chang lacks .

Independent claim 1, as amended, recites, in part, “wherein the enabled probe identification is associated with metadata defining a layout of the data obtained using the probe.” Independent claims 13 and 18 are amended to include similar limitations.

The Examiner asserts that one skilled in the art would have been motivated to modify Chang to associate enabled probe identification with metadata because “one way to account for new types of data or changes in...format is through the use of one or more metadata tables.” See Office Action dated June 11, 2007 at page 6, *citing*, Meek, col. 7, lines 6-8.

The Applicant respectfully disagrees. In making the above rejection, the Examiner is mischaracterizing the prior art, by improperly referencing Meek out of context by removing a relevant portion of the referenced sentence discussed above. Specifically, Meek recites “one way to account for new types of data or changes in *the geographic database structure or format* is through the use of one or more metadata tables.” Emphasis Added. See Meek, col. 7, lines 6-8. In other words, Meek teaches the use of metadata tables to account for new types of data, changes in *geographical database structure* or *geographical database format*. Metadata tables associated with a *geographical database*, as disclosed in Meek, are used by navigation systems to account for changes in geographic data such as information related to roads and intersections. Specifically, the metadata table of Meek includes updated

geographic data and provides a translation of the updated geographic data stored at a second version level into geographic data stored at a first version level “so that a navigation program which was designed to use geographic data at the first version level can use the geographic data at the second version level.” *See* Meek, col. 7, lines 6-22. Accordingly, Meek teaches or suggests the use of metadata tables associated with the translations of geographic data between different versions of a database.

In contrast, the metadata, as recited in amended independent claim 1, is associated with an “enabled probe identification” defining “a layout of the data obtained using the probe.” For example, the metadata associated with the enabled probe identification may describe the “exact composition of data, as well as the layout of data” that is “obtained from the probes...” *See* paragraph [0030] of the Instant Specification. The metadata is *not* associated with translations of geographic data between different versions of a database. Furthermore, metadata associated with an enabled probe identification that defines the layout of data obtained using a probe is not related *whatsoever* to data translations between versions of a geographic database. Therefore, “the enabled probe identification...associated with metadata defining a layout of the data obtained using the probe” as recited in independent claim 1, is clearly not equivalent to the metadata taught in Meek.

Accordingly, Chang and Meek, whether considered separately or in combination, fail to render independent claims 1, 13, and 18 obvious. Claims 7, 16, and 20, which depend,

directly or indirectly, from claims 1, 13, and 18, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is requested with respect to claims 7, 16, and 20.

Turning to the rejection of claims 10-12, independent claim 10 recites, in part, “obtaining metadata using the enabled probe identification.” As admitted by the Examiner, Chang does not disclose “obtaining metadata using the enabled probe identification.” See Office Action dated June 11, 2007 at page 8. Further, as explained above, Meek does not disclose metadata associated with the enabled probe identification. Accordingly, Meek necessarily cannot disclose obtaining metadata using an enabled probe identification. Moreover, even assuming, *arguendo*, that Meek discloses metadata associated with the enabled probe identification, Meek does not disclose obtaining metadata using an enabled probe identification, as recited in independent claim 10, as evidenced by the Examiner’s failure to point out where, specifically, metadata is obtained using an enabled probe identification. A thorough review of Meek, in fact, reveals that Meek is completely silent with regards to obtaining any sort of metadata using an enabled probe identification. Thus, Chang and Meek, whether considered separately or in combination, fail to render independent claim 10 obvious. Claims 11 and 12, which depend directly from claim 10, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is requested with respect to claims 10-12.

Conclusion

The Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/338001; SUN040165).

Dated: September 11, 2007

Respectfully submitted,

By /Robert P. Lord/
Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant